

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 09-50026-reg

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6 In the Matter of:

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8 MOTORS LIQUIDATION COMPANY,

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10 Debtor.

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14 U.S. Bankruptcy Court

15 One Bowling Green

16 New York, New York

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18 June 26, 2013

19 10:00 AM

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22 B E F O R E :

23 HON ROBERT E. GERBER

24 U.S. BANKRUPTCY JUDGE

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1 Doc # 12445 Joint Motion of the United States of America and
2 the State of New York For An Order Approving the Consent
3 Decree and Settlement Agreement Regarding Natural Resource
4 Damage Claims Between the General Unsecured Creditors'
5 Trust, the United States of America, and the State of New
6 York

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25 Transcribed by: Sherri L. Breach

1 A P P E A R A N C E S :

2 U.S. DEPARTMENT OF JUSTICE

3 Attorneys for U.S. Trustee

4 86 Chambers Street

5 New York, New York 10007

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7 BY: DAVID S. JONES, ESQ.

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P R O C E E D I N G S

THE COURT: General Motors, Motors Liquidation Company.

Mr. Jones, good morning.

MR. JONES: Good morning, Your Honor, and may it please the Court. I'm here today seeking approval of an unopposed joint motion of the United States and New York State. And Ms. Leary of New York State asked me to cover today's proceeding. She wasn't able to get down from Albany.

THE COURT: You're pinch-hitting. Oh, I thought you were pinch-hitting for your colleague, Ms. Cooler (ph).

MR. JONES: In our division of the world, I got natural -- natural resource damages, so she -- she was the EPA claim person and I was the interior and --

THE COURT: You guys are pretty specialized. So is it --

MR. JONES: I --

THE COURT: -- you -- you drill down on the nature of the environmental violation?

MR. JONES: We do, indeed.

THE COURT: Fair enough. Go ahead.

MR. JONES: Actually, it was just a -- it was an easy division of responsibility and there's different clients is the real reason for it.

1 Your Honor, as I noted, this is an unopposed joint
2 motion seeking approval of a settlement of the last
3 remaining unresolved United States' general unsecured
4 environmental claims, so it's a milestone day. The
5 settlement is for natural resource damages in the case of
6 the United States at Onondaga Lake, near Syracuse and that
7 vicinity.

8 The total settlement amount as noted in our papers
9 is for five-and-a-half-million-dollars, of which we're
10 recovering a little over 1.2 million from new GM as a non-
11 debtor entity through defenses we asserted in tax claims,
12 therefore getting back against the government, and the
13 remainder -- the remaining amount, which is somewhat over
14 4.2 million, \$4,267,677 will be an allowed unsecured claim
15 amount split up, as indicated in our papers, among the U.S.
16 and the State of New York.

17 The State will receive 10,000 in its past costs.
18 The U.S. will receive 85,000 in its past costs, and the
19 large balance will go into a jointly administered trust fund
20 for natural resource restoration purposes.

21 As was true in a similar prior settlement that
22 Your Honor approved previously, there's no need for Rule
23 9019 review because the GUCT trust has received delegated
24 settlement authority for settlements in this -- in an amount
25 higher than the settlement amount here today.

1 THE COURT: But I have to make a double barrel
2 finding that it's also in the public interest.

3 MR. JONES: Correct, Your Honor. So, actually,
4 really a single barrel finding only that it's in the public
5 interest under the environmental laws because 9019 drops out
6 in this circumstance.

7 And as Your Honor is aware, CIRCLA requires that
8 this settlement have been published in the federal register
9 and subject to a public notice and comment period, which has
10 occurred. No comments came in. We then filed this motion
11 for approval, as appropriate --

12 THE COURT: Mr. Jones, forgive me.

13 MR. JONES: Yes.

14 THE COURT: And I do this only because I have a
15 lot of stuff on the calendar behind you and your motion is
16 so obviously appropriate and I'm going to interrupt you.

17 I here have an unopposed motion is very, very
18 similar to those that I've approved before, differing only
19 that I no longer have to make a double barreled finding that
20 it's in -- that a settlement is in the interest of both the
21 estate and the public, and here because of time having
22 passed and rights having been devolved to the GUCT trust,
23 with respect to which this settlement no longer requires my
24 approval, I only need to make a single finding.

25 That finding, which I make without opposition, is

1 that the settlement is in the public interest for the
2 reasons set forth in your paper and is as good for the
3 American public or better than it is for the debtor.

4 So your relief is granted in full, and I apologize
5 to you for interrupting you, but you're so obviously right
6 that I don't want to take more time on the matter.

7 MR. JONES: Thanks, Your Honor. And that's
8 absolutely great. I have, perhaps, one more sentence in me
9 which I will spare the Court.

10 I appreciate --

11 THE COURT: If I had known that, I should have
12 given you your last sentence, but take care of the paperwork
13 with my courtroom deputy, Ms. Blum (ph) at your earliest
14 convenience. And if I don't see you for a while because
15 you've wrapped up all of these environmental matters, the
16 flip side of that will be because you've properly taken care
17 of the public.

18 Thank you.

19 MR. JONES: Thank you, Your Honor. I appreciate
20 it.

21 THE COURT: Okay.

22 (Whereupon, these proceedings were concluded at 10:05
23 a.m.)
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I N D E X

RULINGS

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C E R T I F I C A T I O N

I, Sherri L. Breach, CERT*D-397, certified that the foregoing transcript is a true and accurate record of the proceedings.

Sherri L
Breach

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Date: June 27, 2013